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08 APR 9 AM 9:39  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

by: *[Signature]*

Mag. Case Number: \_\_\_\_\_

Plaintiff,

v.

John Walter ELLIS,

Defendant,

COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Sections 952 and 960  
Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

On or about April 8, 2008, within the Southern District of California, John Walter ELLIS did knowingly and intentionally import approximately 39.78 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Jeffrey R. Roberts*  
*[Signature]*  
\_\_\_\_\_  
SPECIAL AGENT  
U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF April, 2008.

*Robert Bowler*  
*[Signature]*  
\_\_\_\_\_  
MAGISTRATE JUDGE

USA AD

## PROBABLE CAUSE STATEMENT

I, Special Agent Jeffrey Roberts, declare under penalty of perjury, the following is true and correct:

On April 8, 2008 at approximately 1:50 pm, John Walter ELLIS attempted to enter the United States via the Otay Mesa, CA, Port of Entry from the Republic of Mexico. ELLIS was the driver of a 1997 Dodge Caravan bearing California, United States license plates 3UEE647. Customs and Border Protection Canine Enforcement Officer Mitchell was conducting pre-primary operations when his drug detection dog alerted to the spare tire of the vehicle driven by ELLIS. Customs and Border Protection Officer (CBPO) Rodolfo Sanchez made contact with ELLIS. ELLIS stated that he was the owner of the Dodge Caravan and that he and his wife, Ernestina Ellis-Pena, were going home to 43<sup>rd</sup> Street in San Diego, CA. ELLIS gave CBPO Sanchez a negative customs declaration and claimed to be the owner of the vehicle he was driving. While CBPO Sanchez was questioning ELLIS, CBPO Sanchez heard ELLIS tell his wife that nothing is happening and that he was framed in the Spanish Language. ELLIS was handcuffed and escorted to the security office.

In the vehicle secondary inspection area, CBP Officers conducted an X-Ray of the vehicle and noticed anomalies in the rear quarter panels of both sides of the vehicle. CBPO Robert Renner completed a seven-point inspection on the vehicle and discovered packages inside the rear quarter panels. A random sample of one of the packages revealed a green leafy substance that tested positive for marijuana. A total of 30 packages, weighing 39.78 kilograms, were removed from the rear quarter panels, a non-factory undercarriage compartment and the spare tire.

U.S. Immigration and Customs Enforcement (ICE) Special Agents contacted ELLIS and advised him that marijuana had been found in the vehicle and that he was under arrest. Reading from a pre-printed form, U.S. Immigration and Customs Enforcement (ICE) Special Agents read ELLIS his Miranda Rights in the English language. ELLIS stated that he understood his Miranda Rights and was willing to answer questions without the presence of an attorney.

ELLIS stated that he knew that the vehicle he was driving contained marijuana and that he thought the marijuana was in the spare tire of the vehicle. ELLIS said that he was going to drive the vehicle and park it in front of his residence. A person known to ELLIS as "El Chaparro" was supposed to pick up the vehicle. ELLIS committed the act in order to receive ownership of the vehicle and to repay a portion of a debt to "El Chaparro" for the equivalent of five (5) tires loaded with marijuana (approximate value of \$1000 per tire).

ELLIS was arrested and transported to the Metropolitan Correctional Center, in San Diego, CA.

Executed on April 9, 2008

Jeffrey R Roberts

  
Special Agent, U.S. ICE